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AUTHOR Rogers, Rick
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ABSTRACT

Sixty-six local education authorities (LEAs) in England and Wales responded to a request for sets of guidelines on the 1981 Education Act they have provided for headteachers, teaching staff, and educational psychologists. The Act recommends that parents and older children be fully involved as partners in the process of assessment and placement of handicapped children, and that the educational provisions offered must properly meet the child's needs. Among survey findings were the following: (1) over a third of the LEAs did not set the procedures for assessment and placing children with special needs in a detailed explanatory framework; (2) over a third did not spell out the LEA's general duties under the Act; (3) just over half defined key terms of the Act; (4) while 70% explained that parents must be fully involved in the assessment procedures, only 29% explained the right of parents to attend examinations; (5) third gave guidance on recordkeeping and 12% on issues of confidentiality; and (6) only 11% specifically mentioned the need for additional help for parents third gave guidance on recordkeeping and 12% on issues of confidentiality; and (6) only 11% specifically mentioned the need for additional help for parents speaking a language other than English. The major portion of the document contains samples from the published guidance on issues surveyed. Also included are a resource guide including further reading on the Act, useful addresses, and names and addresses of government departments. (DB)

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A survey of LEA guidelines for professionals on the 1981 Education Act

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By Rick Rogers
For the Centre for Studies on Integration in Education (CSIE)

THE SPASTICS SOCIETY

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Circle of Professionals

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Rick Rogers is a freelance educational journalist and editor. He contributes regularly to *The Guardian* and *The Times Educational Supplement*. His books include *Crowther to Warnock: how fourteen reports tried to change children's lives* (Heinemann Educational) and *Schools under threat: a handbook on closures* (ACE).

What the survey looked at

Introduction

'To create the conditions for success, the ordinary schools, upon whose professional enthusiasm and sense of commitment success depends, must be given positive encouragement by the Authority to take on the new tasks required of them.'

That is how the local education authority for **Richmond upon Thames** identifies its own role in making the 1981 Education Act work for children and young people with special educational needs. (The 1981 Act came into force on 1 April 1983.)

CSIE's survey *Caught in the Act*, published in May 1986, on what local education authorities (LEAs) in England and Wales tell parents and guardians about the new law and about their arrangements for assessing and meeting special needs, revealed a very uneven picture. Many authorities find it difficult to communicate adequately and sensibly with families. Those that do genuinely treat the family as a partner in a child's education remain a minority — albeit a growing minority.

But while the amount and quality of information LEAs give to parents are vital elements in the success of the 1981 Education Act, just as important — some would argue, more important — is the guidance LEAs give to their own professional staff on carrying out the procedures for assessing the special needs of children and young people and ensuring such needs are properly met.

This second CSIE survey, then, looks at the published guidance on the 1981 Act that LEAs have distributed to headteachers, teaching staff, educational psychologists and other professionals working in the education service. Such guidance both advises and instructs staff on the assessment procedures to be carried out and the principles to be adhered to in making assessments of and recommending provision for children's needs.

The response

Sixty-six of the 104 local education authorities in England and Wales responded to CSIE's request for sets of guidelines for professional staff on the 1981 Act procedures. All 66 sent guidelines aimed at headteachers, teaching staff and educational psychologists. Some LEAs also included guidance they give to school governors and to health and social services professionals. Sets of stereotyped letters for both professional staff and parents that might be sent out during the assessment, statementing and appeals procedures were also provided by many LEAs. (One LEA pointed out in its guidance to headteachers that there were 36 different kinds of letter that a parent could be sent during the 1981 Act's procedures.) The material was analysed in winter 1985/86. □

Who took part

Counties: England & Wales	27 out of 47	57%
Metropolitan authorities	27 out of 36	75%
Outer London boroughs & ILEA	12 out of 21	57%
	66 out of 104	63%

What the survey found

Introduction

The 1981 Act — and subsequent advice by the Department of Education and Science (DES) — recommends that parents should be fully involved as partners in the process of assessment and statementing, that the feelings and perceptions of children be taken into account, and that the concept of partnership be extended, wherever possible, to older children and young people. In addition, any provision offered must properly meet a child's specific needs. All this, therefore, should be reflected in the guidance LEAs give to their staff — both in terms of how procedures are carried out and the professional attitudes encouraged by each local authority.

All LEAs use the DES Circular 1/83 *Assessments and Statements of Special Educational Needs* as the basis for the guidance given to their professional staff. That Circular is clear on what they should provide:

> ' The procedures for assessments other than those carried out under section 5 of the Act will be a matter for LEAs. Since every school is likely to have some pupils with special educational needs, LEAs should provide guidance to all maintained schools in their area on the arrangements for identifying, assessing and meeting special educational needs. The guidance should relate to the identification of special needs, assessment procedures, channels of communication for referrals and advice on the specialist services for referrals. The child's parent should be involved and kept fully informed at every stage.'

There is a major difference between the material that LEAs produce for parents and the guidelines they provide their professional staff. Material for parents is more idiosyncratic as LEAs have a variety of views on what to tell parents and how to communicate with them. And, of course, there were no DES guidelines to the authorities on how material for parents might be written or produced.

The guidelines LEAs produce for professionals are much more similar in that they set out the basic steps of the procedures relying heavily on advice issued by the Department of Education and Science as Circulars and Administrative Memoranda.

The main differences are in the advice, and in some cases the instructions, given on just *how* to operate the Act. LEAs differ in the detail they do provide, in the language they use, and in the aspects they emphasise and those they play down or omit to mention. A further fundamental difference is the way advice is reproduced in terms of design, layout, and accessibility for hard-pressed professionals.

In effect, the crucial point about the information that LEAs give to parents is what they do and do not tell them. The point about the guidance they give their own professional staff is not only what they tell them but, more subtly (if not always subtly explained in the published material), precisely how they encourage staff to operate the Act's procedures, and thereby how much or how little parents and children are able to exercise their rights under the 1981 Act. □

The guidance LEAs give to professionals

Summary of findings

1 — Over a third of LEAs (38%) do not set the procedures for assessment and statementing children with special educational needs in a detailed explanatory framework.

2 — Over a third do not spell out an LEA's general duties under the 1981 Act.

3 — Just over half define key items of the Act, such as 'learning difficulty' (58%) and 'special educational provision' (53%) — and only one in five define how assessment is a continuous process (21%).

4 — While 70% explain that parents must be fully involved in the assessment procedures, only 55% explain their right to be involved from the start or to request an assessment themselves, only 47% their right to have all relevant information and documentation, and only 29% their right to attend examinations.

5 — Only a third (32%) go on to explain the concept of parents as partners with the professionals.

6 — Only half (52%) explain that the main focus must be on the child and not on a child's disability.

7 — Only half (50%) explain the LEA's duty to secure that a child is educated in an ordinary school — the duty to integrate — and the conditions attached to such a duty.

8 — Only one in ten (11%) remind staff of the need to take account of the child's feelings and perceptions and to involve older children and young people as partners.

9 — Only 8% give guidance to professional staff on best ways to involve parents in the procedures, and 6% on handling parental opposition. Only 3% explain and advise on parental fears about their children being sent to segregated schooling.

10 — Almost half the LEAs (45%) guide staff on how to make their recommendations on where children are to be placed.

11 — Over a third (38%) provide step-by-step diagrams to help staff through the procedures.

12 — A third (33%) refer to the use of case conferences during assessment — but only 11% (one in three of them) state they allow parents to attend, and 3% state that parents only receive a report of a conference.

13— A third (36%) give guidance on recordkeeping and 12% on issues of confidentiality.

14— Only one in ten (11%) specifically mention the need for additional help for parents speaking a language other than English.

The 1981 Act procedures: what LEAs tell their staff and the guidance they give

C	M	L	all	%	
27	27	12	66	*100*	
					General principles and duties
18	14	9	41	*62*	Set procedures in detailed framework
15	18	8	41	*62*	Define LEA's general duties under Act
15	14	9	38	*58*	learning difficulty
14	14	7	35	*53*	special educational provision
7	5	2	14	*21*	assessment as a continuous process
19	18	9	46	*70*	Explain parents to be fully involved
13	12	9	34	*52*	focus to be on child not disability
15	10	8	33	*50*	LEA's duty to integrate
6	9	6	21	*32*	concept of partnership
1	4	2	7	*11*	need to involve older children
					Assessment and statementing procedures
16	16	4	36	*55*	Explain parents' right to be involved from start
13	13	5	31	*47*	to all relevant information
15	13	8	36	*55*	to request assessment
8	8	3	19	*29*	to attend examinations
4	0	1	5	*8*	Give guidance on how to involve parents
1	2	1	4	*6*	on handling parental opposition
0	2	0	2	*3*	on assessment not a formality
14	9	7	30	*45*	on how to decide provision
10	11	4	25	*38*	Provide step-by-step diagrams
9	10	3	22	*33*	Make use of and explain case conferences
2	5	0	7	*11*	Allow parents to attend case conferences
0	1	1	2	*3*	to get report only
8	10	6	24	*36*	Give guidance on recordkeeping
2	2	4	8	*12*	on confidentiality
2	4	1	7	*11*	on minority languages

C: English and Welsh Counties; M: Metropolitan Authorities; L: Outer London Boroughs and ILEA.

LEAs involved in the survey

Counties
Bedfordshire
Berkshire
Cheshire
Cleveland
Cornwall
Cumbria
Durham
Essex
Gloucestershire
Hampshire
Humberside
Isle of Wight
Kent
Leicestershire
Norfolk
North Yorkshire
Northumberland
Nottinghamshire
Oxfordshire
Staffordshire
Surrey
Warwickshire
West Sussex
Clwyd
Gwynedd
Mid Glamorgan
Powys

Metros
Birmingham
Coventry
Dudley
Solihull
Walsall
Wolverhampton
Liverpool
St Helens
Bury
Manchester
Oldham
Rochdale
Salford
Stockport
Wigan
Barnsley
Doncaster
Rotherham
Sheffield
Bradford
Leeds
Wakefield
Gateshead
Newcastle
North Tyneside
South Tyneside
Sunderland

London
Barking
Barnet
Bromley
Croydon
Enfield
Haringey
Hounslow
Inner London
Merton
Newham
Richmond
Waltham Forest

General principles and duties

Setting the procedures in context

Forty-one local authorities (62%) provide their professionals with a detailed framework of the 1981 Act, including some, but never all, of the definitions and general principles that underline it. Thus, a substantial number of LEAs fail to set their printed guidelines in such a framework. And a few, such as **Barnet** and **Essex,** merely refer to the Act or Circulars.

Not surprisingly, the majority of LEAs (62%) define the 'general duties' they are obliged to carry out under the Act for their staff. Other frequent definitions include 'learning difficulty' (58%), and 'special educational provision' (53%).

The general principle highlighted most often is that parents must be fully involved in the assessment of a child's special educational needs (70%). However, only just over half (52%) make clear that the focus of attention must now be on the child rather than on the disability. And four out of five (79%) do not explain that the assessment of children's special needs should be a continuous process.

Those LEAs which emphasise the DES-requested change to look from now on at the child's needs rather than the disability either explain, like **Bedfordshire,** that:

> ' This Act replaces the categories of handicap with a broader concept of special education provision based on the special educational needs of individual children '

or, like **West Sussex,** about:

> ' ... the approach to assessment with the main focus now to be on the child himself rather than on his disability '

Bury halfheartedly explains the change to its teachers in a way that does little justice to this crucial part of the Warnock-inspired 'new deal' embodied in the Act:

> ' Without wishing to enter into the philosophy of the '81 Act it can be said that it strives to consider a child more positively, without merely using a label e.g. ESN, Physically Handicapped, Maladjusted, Slow Learner. The child is seen as a whole and any problems he has are seen as part of his total make-up '

Overall, many local authority staff would need to explore for themselves the fine, and vital, detail of the Act and its aims and implications for professional practice. In many cases, it is not enough to rely on the guidance given by their employing authority. In particular, there are three aspects at the core of the Act which get surprisingly short shrift by many LEAs — the duty to integrate, the concept of parents as partners in assessment, and the need to take account of a child's own feelings.

What LEAs says about integration

Section 2 of the 1981 Act puts, for the first time, a duty on LEAs to ensure that children with special educational needs are educated in ordinary schools — so long as parents wish it and it is compatible with providing what a child needs, with the efficient education of the other children in the school, and with the efficient use of resources.

However, only half the LEAs surveyed refer explicitly to the issue of integration — 33% refer to the duty to integrate and 17% to the stated principle (thus making it seem less of an obligation). Most quote the DES Circular with its provisos. For example, the London borough of **Haringey** states in *Notes of Guidance for Schools*:

> ' It will be seen that LEAs have a duty, following consultation with parents, to integrate children with special educational needs into ordinary schools provided certain conditions are met. The LEA must ensure that the children's needs can be met, that the other children will be educated efficiently and that resources will be efficiently used '

Cheshire gives an unusually detailed rundown for its professionals on LEA policy on integration. At one point it states:

> ' It must be emphasised ... that this Authority has already moved in the direction of the Act's requirements and obviously the trend towards acceptance of more children with special needs into mainstream primary and secondary schools will continue. When the Act is fully operative it will be necessary to assume initially that every child is a candidate for a place in an ordinary school unless assessment procedures and parental wishes indicate otherwise '

In contrast, **Leeds** point out the 1981 Act is 'not principally concerned with integrating handicapped children into mainstream schools'. And **Cornwall** refers to integration without mentioning the duty to integrate as set out in the 1981 Act:

> ' In Cornwall established policy has been to integrate children in ordinary schools as far as possible. It should be remembered that many of a child's special educational needs can be met through the school's general curriculum arrangements '

The county pointed out in an earlier CSIE survey on the implementation of the 1981 Act that 'owing to the geography of the county, the integration of handicapped children has always been practised'. The chief education officer added at that time:

> ' ... this Authority has practised integration on a broad front for many years. Depending of course on the nature and severity of an individual child's handicap, we always consider the possibility of placement in an ordinary school as the first possibility, ... '

The London borough of **Hounslow** has a long paragraph in its *Booklet for the Guidance of Professionals* under the heading 'Where will special educational provision be located?':

> ' In principle all children ought to receive their

schooling in ordinary schools, including special educational provision, but there are some circumstances which may excuse the LEA from this.'

It then lists the familiar 'circumstances'.

Other LEAs referring to 'principle' rather than 'duty' include **Cheshire, Norfolk, Stockport, Enfield** and **Merton** — the latter adding 'long term' just to underline the authority's policy to this part of the Act:

'. . . the new long term principle that, if certain conditions are met, the LEA should seek to educate a pupil with special educational needs in an ordinary school. The conditions are *stringent ones*. . .'

Hampshire, too, states:

'This section (of the 1981 Act) establishes the principle that under certain conditions children for whom the LEA decide require a 'statement' of special educational provision should be educated in ordinary schools.'

The county later adds, with little concession to integration:

'In the main, pupils for whom a Statement is maintained by the LEA will be educated in one of Hampshire's special schools or out of county special schools approved by the Secretary of State for Education. There will, however, be cases where, under Section 2 of the Act, the education of a pupil with a Statement is provided in an ordinary school.'

South Tyneside anticipates little change, informing headteachers:

'The principle is also established that all children are to be educated in ordinary schools so far as is reasonably practicable and to engage in the activities of the school with other children. In fact this already happens to a large extent and it is not envisaged that the 2% of children presently in special schools will be affected.'

North Tyneside emphasises in guidance to 'all schools, child guidance, school doctors, social services, welfare and EWOs, advisers, support service sections':

'There is no plan to close or to run down any of the Authority's Special Schools.'

Next-door **Newcastle** has a curious and inconsistent paragraph:

'This Statement is an assertion that children with special needs have a right to be normal, and a qualified right to education in an ordinary school if they can benefit from it. It reflects the best educational practice that has been current for some years in many parts of the country, including Newcastle, and encourages the development of special provision that is 'integrated' with ordinary education. It does not imply, as some people have believed, that special schools will be closed, or that no children will in future be given separate special education.'

The CSIE survey highlights how no local authority is going to abandon either the concept or practice of separate special school provision — at least in the near future. This calls into question the effectiveness of Section 2 of the 1981 Act — the development of the spirit of integration as an established part of the education system. What is therefore important at this early stage in the implementation of the Act is the commitment to integration when it is clearly in a child's interests. And the differing messages of reluctance to integrate or eagerness to integrate readily come across in the guidance given to an LEA's staff.

Sheffield does provide a more optimistic and informative analysis of policy on integration than most authorities — even though it remains, as with other authorities, one of partial integration only:

'It has been the Sheffield Authority's policy for many years to educate pupils with special educational needs in mainstream schools wherever possible. Of the 2% of children in Sheffield who have already been ascertained as handicapped under the former special education procedures, many are currently educated in integrated special units/resources or in ordinary classes in mainstream primary and secondary schools . . . It is expected that the provisions of the Act regarding integration will not result in an immediate and new large influx of 'assessed' and 'statemented' children into ordinary schools. Every case will be considered individually under the procedures outlined below and care will be taken, as in the past, to establish criteria for the admission of or continuing support of individual children according to the facilities and resources available in each school.'

Sunderland appears to offer the intention of long-term integration when it advises its school governors that:

'. . . both the Warnock Committee and the local Working Party have concluded that the achievement in practice of the principle of integration would require a lengthy period of preparation and gradual implementation.'

But all that governors are asked to do is 'keep the matter of integration and its achievement under detailed consideration' with the Authority promising to keep special education provision under continuous review.

A few LEAs are emphatic about the difficulties involved in integration. For example, the London borough of **Merton,** having referred to the 'new long term principle' of integration and the 'stringent' conditions attached, goes on to spell out for staff its own policy — and thereby making explicit the way many other authorities also operate but fail to mention:

'*Integration* — This is a much more complex and difficult problem. In effect the Act expects the LEA to move towards integration but, in the conditions it lays down, sees it very much as a long term objective. The LEA views the situation similarly. A great deal of teacher expertise and material resources exist in the LEA's special schools. It would be wrong both educationally and financially to underuse them. Further, to expect teachers in ordinary schools to deal with the large influx of pupils with complex or severe learning difficulties would be unreasonable and could jeopardise the education of other children in the school. Nevertheless, this is no excuse for ignoring the situation; all concerned have to take a broader view of pupils with learning difficulties, and prepare themselves, and their schools, for a somewhat larger number of such pupils.'

Merton continues: 'the LEA, for its part, will help teachers as much as it can to come to terms with the envisaged changes' — although one is tempted to ask *what* envisaged changes given the negative attitude to integration. The section ends:

❝ Before any serious move to integration it [the LEA] will need to review the resource implications (both material and personnel) of any such move. The LEA recognises the size of the problem and hence the necessity to move slowly; it can not, should not and need not, however, stand still ❞

Well, not *absolutely* still. **Bury** says:

❝ Such provision will largely be made within mainstream schooling by the provision of extra resources — equipment, teaching staff non-teaching staff, in-service training etc. ❞

It then spoils things by continuing:

❝ Unfortunately whilst this might be so in theory very little extra funding has been made available . . . The Act does not attempt to abolish special education in special schools . . . ❞

Staffordshire, using a series of 'Comment' boxes throughout its guidance document to underscore official LEA attitudes towards the 1981 Act's principles and procedures, provides a confusing message:

❝ "Special" children should not be integrated in precipient fashion. This section of the Act [section 2] reflects a very gradual process which has been occurring anyway. Further integration should happen after careful preparation. Some children will still require the specialist provision afforded by special schools, but it must *not* be assumed that a child with SEN [special educational needs] will be placed in a special school ❞

However, at least two LEAs make it absolutely clear to their professional staff that integration is not on the agenda. **Warwickshire** states in its notes of guidance for schools:

❝ The possibility of educating a greater proportion of children with special educational needs in ordinary schools (especially the 2% or so for whom Statements are made) will depend crucially on the provision of additional resources. In the absence of additional resources it must be assumed that in Warwickshire, for the foreseeable future, the majority of children with severe special educational needs will continue to be educated in special schools. ❞

Durham gives similar guidance:

❝ The Act would have children with special needs educated in ordinary schools wherever possible. This cannot even be attempted unless considerable extra resources are made available. In the present financial climate there is no possibility that any additional help can be found and the present County Durham policy of making provision in special schools is to continue. ❞

Such a dogmatic rejection of the prospect of integration contrasts dramatically with other LEAs in a similar financial position but which choose to adopt a different educational approach.

A partnership with parents

The report of the 1978 Government committee of enquiry into the education of handicapped children and young people *Special educational needs* (the Warnock report) stressed that 'unless the parents are seen as equal partners in the educational process the purpose of our report will be frustrated' (page 150). The concept of parents as partners — though perhaps not as equals — was taken on by the subsequent 1981 Act and accompanying DES Circulars. The DES Circular 1/83 advises LEAs:

❝ In looking at the child as a whole person, the involvement of the child's parent is essential. Assessment should be seen as a partnership between teachers, other professionals, and parents, in a joint endeavour to discover and understand the nature of the difficulties and needs of individual children. ❞

A third of LEAs (32%) specifically mention the concept of partnership between parents and professionals. However, it is clear there is no uniform view of just what such a partnership should entail. **Croydon** says:

❝ Greater recognition of the concept of partnership between parent and teacher has to mean a gradual change in attitude on the part of teachers and a greater focusing on closer working between home and school. ❞

The **Inner London Education Authority (ILEA)** explains, quoting the DES Circular 1/83:

❝ Assessment should be seen as a partnership between the teacher, other professionals and the child's parents in a joint endeavour to discover and understand the nature of the child's difficulties and needs. ❞

Haringey, in particular, emphasises the importance of partnership, returning to this theme more than once in its *Notes of Guidance for Schools*:

❝ It is hoped that all those concerned with the new procedures . . . will have regard to the *'new parental role'* and do their utmost to ensure that this partnership is entered into willingly and in as caring and as sensitive a manner as possible. ❞

Gloucestershire gives a positive message in stilted language:

❝ . . . the partnership with parents is paramount. Any concerns about a child's progress, however slight, must be communicated to parents. Many children, who subsequently will be the subject of formal assessment procedures, will be discovered by class teachers as needing help. It is most important that parents should not be served notice of a formal assessment procedure in ignorance of previous professional concern about the child. ❞

Cleveland also promotes parental involvement in the new procedures during a lengthy section setting out parents' rights. For example:

❝ The law requires that parents should be closely involved in the decision-making concerning their child — a very welcome implementation of the principle of 'Parents as Partners' outlined in the Warnock Report on Special Education . . . ❞

Some LEAs refer to co-operation but oddly eschew the word 'partnership'. Others appear equivocal. **Hounslow** reminds professional staff at various points through its guidance material that parents must be involved in the decisions to be made. But the over-riding impression left by this material is that **Hounslow** sees parents as a volatile bunch to be treated carefully:

‘To preserve the peace of mind of the parents (and through them, the child) as well as to avoid possible ill-feeling and delay, it is patently important that argument and confrontation are avoided and that consideration is given to parents’ wishes.’

Yet **Hounslow** also realises parents are now more important than ever:

‘It remains to be seen whether these new requirements can be carried out smoothly and with[out] undue delay; . . . Much will depend on the good judgement and tact of those “in the front of the house” and it is to them that the LEA will be looking to uphold Hounslow’s reputation for good and constructive relationships with parents.’

In contrast, **Hampshire** equivocates by saying:

‘. . . the [DES] Circular stresses the desirability of . . . seeing assessment as a partnership between the teacher, other professionals and the child’s parents.’

The county does not state explicitly here if it endorses this new approach.

However, **Coventry, Oldham** and **Bradford** all encourage their professionals to appreciate the parents’ situation and to do as much as possible to involve them and help them understand the procedures in advance. **Coventry** provides a clear statement of parents’ rights in its guidance to heads and **Oldham** has a special section on parental involvement in its *Secondary School Teachers’ Guide to the 1981 Education Act* which encourages teachers to treat parents as serious partners. For example:

‘If a partnership is to evolve then the parents and the teachers must share common goals and contribute to their achievement. If parents are not to view identification and assessment of their children’s special education needs with suspicion but as a chance for enhanced educational opportunity, it is up to us as teachers to ensure that this is what happens. This is a challenging concept. Since parents have a central role in the procedure initiated by the 1981 Act, it is important that schools create a climate in which parents are encouraged to have an active share in meeting their child’s special educational needs. Even if initially parents cannot contribute much, their child’s welfare will depend on the extent to which they understand and can apply measures recommended by teachers and other professionals and can help monitor their effects.’

Bradford emphasises:

‘It is important . . . that parents and guardians are provided with the fullest possible information about their child’s difficulties *as soon as they are identified*.’

Sheffield also makes a firm statement on the need to support parents:

‘The quality of Sheffield education services rests on both the resources provided by the City Council and the caring attitude of those who work in partnership with the parent(s)/guardian(s). Some parts of the new procedure required by the Act may cause concern if parent(s)/guardian(s) have not been told or prepared to expect the next step. It is requested that all who come into contact with parent(s)/guardian(s) will spend time in explaining the procedure and what will happen at the next stage.
Inevitably the new procedures required by the Act involve the parent(s)/guardian(s)/ in receiving letters about the FORMAL ASSESSMENT. A summary information leaflet for parents is available to help explain the Assessment. Help and support may be needed to assist the parent(s)/guardian(s) to be able to reply to the letters received. All professionals involved are requested to provide support or to advise where support may be obtained.’

Involving children and young people

While 52% of LEAs state that the main focus must now be on the child rather than the disability, a mere 5% — just three LEAs responding to the CSIE survey — go on to remind staff of the need to take account of ‘the feelings and perceptions of the child’ (DES Circular 1/83). **Essex, Haringey** and **Croydon** all do so, with the latter telling its staff:

‘Of major importance is the need to learn the pupil’s own views, interests and perceptions of strengths and difficulties. Systematic means of establishing these have to be created. . .’

A larger handful (11%) mention the need to extend the partnership concept to older children and young people. **Barnsley** and **Newcastle** do so, and **Sheffield** emphasises that ‘older pupil involvement is essential’. **Solihull,** in a short, separate section on *Pupils’ own views* states:

‘Wherever possible the concept of partnership should be extended to older children and young persons. Thus the Reviews for older children should take into account their own views, and in some appropriate cases the child should be involved in the Review meeting itself.’ □

Assessment and statementing

Introduction

Local education authorities run through for their professionals the procedures for assessing special educational needs and preparing and finalising a statement in varying amounts of detail. Again, most reproduce verbatim the guidance contained in DES Circular 1/83, although some put greater or lesser emphasis on certain sections than either the DES or the majority of other authorities. A simple example is **Merton**'s insistence that:

> *Under no circumstances would one expect* the serving of a Section 5 notice by the LEA to a parent to be the first indication that his child has learning difficulties.

Over a third (38%) provide staff with a detailed step-by-step diagram — and in some cases several diagrams — to help them chart their way through the numerous options in the procedures, particularly in relation to the way parents react to the need to assess and the outcome of an assessment.

What became clear — and of most interest — in analysing the material provided by the 66 LEAs was not so much the *detail* with which they set out the procedures of assessment, statementing, parental rights of appeal, subsequent reviews and re-assessment; most deal adequately with that basic task — although there are some worrying gaps. Rather it is *how* the LEAs put the procedures across to their staff.

Thus, CSIE's main concern here was twofold — first, how far the guidance provided ensures the full involvement of parents or guardians in the assessment procedures; second, on what basis professionals are encouraged to make recommendations — for example, about a child's needs, proximity of provision, LEA policy decisions on integration, allocation of resources — and whether such encouragement is given in printed guidance.

Involving parents and explaining their rights

The way local authorities guide their professionals determines, in large measure, what becomes good practice. It is, therefore, disappointing that only just over half — and, in some cases, less than half — of the LEAs make sure their staff are aware of parents' legal rights under the 1981 Act by referring to them in their guidelines:

- 55% of LEAs refer to the need to involve parents from the start if the school is concerned about a child's performance;
- 55% to parents' right to request an assessment themselves;
- 47% to parents' right to receive all relevant information and papers concerning their children;
- 29% to their right to attend examinations for assessing a child's needs.

Gwynedd is one of the authorities which does remind schools to involve parents from the start:

> The involvement of the child's parent is essential from the outset. It is assumed that consultation will have taken place between a child's school and parents at *an early stage* whenever it is suspected that he has learning difficulties . . . In many cases it is envisaged that assessment carried out by the school itself will be sufficient. In others the school may wish to seek further advice. In such cases, the involvement of parents is essential.

Berkshire advises headteachers:

> If formal assessment procedures are thought to be appropriate, the Headteacher should inform the parents and give them a copy of the booklet 'Assessment of Children with Special Educational Needs in Berkshire'. It is essential that parents receive this booklet so that they are aware of their legal rights and duties.

Bradford, North Yorkshire and **Wakefield** all provide the same positive advice to headteachers when a child is referred for formal assessment:

> It will be readily appreciated that the position of parents and guardians can be particularly difficult. In most cases their children's difficulties will be a source of considerable concern to them and it is possible that the new procedures for formal assessment although designed to promote greater parental understanding and involvement, may seem initially complex and worrying. It is important, therefore, that at this stage, as at the informal stages, parents and guardians are provided with the fullest possible information about their child's difficulties as soon as they are identified by schools.

Bradford adds:

> Depending on the circumstances and progress of a case, *even without* hostile disagreement on the part of parents/guardians, there are 36 possible variations of letters which must statutorily be sent to parents/guardians from the initiation of formal assessment.

Some LEAs, such as **South Tyneside,** have difficulty finding the right style to put across the need for parental involvement:

> It is expected that Head Teachers will endeavour to ensure that parents are consulted in respect of any child with suspected or prima facie special educational needs.

Others leave schools in no doubt of the consequences of not bringing parents in as soon as possible. **Staffordshire** warns:

> Schools who delay involving parents at an early stage risk the provocation of understandable embarrassment and even hostility from them when parents do find out the seriousness of the child's difficulties.

Stockport, which provides staff with a detailed rundown of procedures showing clearly where parents are to be involved, reminds headteachers that:

'... the Authority has several important duties towards parents during the course of proposed assessment, acutal assessment if it decided upon, and producing a statement of special educational need and provision if that is in its turn decided upon'

Several LEAs, such as **Enfield, Haringey, Richmond, Cheshire, Cleveland, Cumbria, Essex, Northumberland** provide step-by-step diagrams which help (at least on paper) to keep parents in the frame.

Birmingham would seem to offer parents a wider range of professional assistance than many other LEAs. Such help includes the opportunity to have 'a third person' (as well as an LEA officer) 'who may have been suggested by the referring person and can be relied upon and has the confidence and trust of the parents, who can guide and assist, where necessary, a parent throughout the procedure'. **Birmingham** also gives its professionals some sound advice on parents' response to a formal assessment:

'If the parents are opposed to a formal assessment their reasons should be discussed with them and formally noted. Further formal discussion with the parents should be deferred until they recognise the need for assessment or unless the situation regarding the child deteriorates'

Many LEAs are poor at providing a clear picture for staff on what parental involvement actually means at each stage through the procedures. For example, **Gateshead** gives no indication in its rundown on assessment procedure that parents should be consulted at all and no involvement seems contemplated until they are served notice of a decision to make a formal assessment. Ironically, at the end of its set of guidance the LEA declares:

'the overall aim is to create a partnership between professionals and parents in the discovery and understanding of a pupil's difficulties and needs'

Hampshire tells its officials that any assessment requested by parents — as is their legal right — must be an 'informal' rather than formal one. This is an incorrect interpretation of the Act. If a parent's request is considered 'reasonable' and 'appropriate' by the LEA, then the subsequent assessment must be a formal one.

In contrast, **Coventry** and **Doncaster** provide separate sections in their guidelines on parents' legal rights — although **Coventry** also warns:

'The Act provides ample opportunities for parents so inclined, to delay their child's admission to an appropriate school for a long time'

Some of the most powerful backing for parental involvement comes from **Manchester.** In its guidance for schools, the LEA spells out clearly and uncompromisingly the rights which parents now possess, and the expectation that parents will be enabled and encouraged to exercise those rights. It also sets out parents' duties and refers schools to the booklets available for parents. In a section headed *Working with parents*, schools are told:

'The Act sets great store on the involvement of parents, and introduces statutory rights in the process of Assessment and making Statements. In order to discharge the Authority's duty to maintain these rights, parents will need to be clear from the earliest point in their child's education that the school regards parents as partners, they need to understand the aims of the school in general and in particular for their child, and to be fully involved in planning to meet their child's needs when difficulties have been noticed'

If that hasn't sunk in, **Manchester** then adds:

'The Authority's view is that it is essential practice for headteachers and other professionals to involve parents at all stages of their child's education and assessment more completely than legislation demands'

Giving guidance on how to involve and counsel parents

LEAs provide little guidance to their professional staff on how to relate to or advise parents during assessment and statementing. Urging 'partnership' is easy; providing constructive and effective advice to professional staff, for whom direct parental contact as *partners* may frequently be something new, is more difficult — and certainly rare. This can be seen as a twofold process — ensuring parents are included in the procedures as partners (clearing the pathways to participation); second, knowing how best to help parents who are reluctant to take part in or are hostile to the idea of assessment.

Only 8% of LEAs include in their guidelines effective or informative advice to staff on how best to involve parents; just 6% offer *detailed* help in talking with parents opposed to an assessment being carried out. This group of LEAs comprise **Bedfordshire, Cleveland, Essex, Nottinghamshire, Leeds, Newcastle, Bromley** and **Haringey.**

Essex does improve after initially, and blandly, urging its professionals:

'All those involved should be alert to any parental reaction as the assessment proceeds'

Yet several of the LEAs remain nervous about irrational responses from parents, advising heads accordingly. Much of the advice that is handed out remains wishful thinking or unenlightening for a concerned headteacher. For example, **Leeds** says:

'It is most important that Head Teachers should try to win the support of parents for the referral before sending in the form. The letter to parents will now be delivered by an EWO [education welfare officer] but it will still be very difficult to gain the parents' co-operation if the approach is unexpected or if they are in total opposition to it'

Dudley advises:

'The parents of all children who reach this stage of assessment should be consulted by the head teacher not only to inform them of his concern and the action that he has already taken within the school but also to seek their views about additional professional advice being sought. Hence this consultation should begin before the professional advisors have been called in so that possible misunderstandings by the parents can be avoided'

Staffordshire provides, in its *Guidelines for Schools*, a detailed rundown of the assessment procedures and parents' role in them. But it only hints in the anticipated response of parents that the LEA has some valuable contingency plans for ensuring matters run smoothly and don't get out of hand. One wonders at what point the LEA informs its schools about these plans:

> The parents are given 29 days to make any points about the proposed assessment. To do this the LEA have devised a suitable letter which fulfils the legal requirements in readable form. This letter will be handed to the parent(s) by the educational psychologist who will explain it to them. This is probably *the* key moment in the procedure and from it will stem a maintenance of the parental co-operation initiated by the school, or an upsurge of anxieties and fears in the parents' minds about the child's future education. The letter (letter 1), the readability level of which has been carefully controlled, reads ...

Once the letter has been received, the LEA sets out options for further action, the fourth of which is that parents may object to the formal assessment. However, **Staffordshire** reassures (or perhaps merely mystifies) its headteachers by declaring that:

> In extremity, there are means whereby an LEA can insist upon a child being presented for medical or psychological examination but, clearly, to use this procedure would certainly be self-defeating. Persuasion is preferred.

If parents do not respond to the letter about a formal assessment, a few LEAs — such as **Wolverhampton** — remind schools that:

> Where no reply is received [after 29 days] arrangements can be made for a Welfare Officer to visit the home to discuss the case and assist the parents in completing their reply.

Potential delays are too frequently put down to parents being awkward than to other reasons. **Walsall** advises staff that:

> It must be recognised however that some delay is inevitable if parents are so resistant to the assessment of their child's special educational needs that they refuse to co-operate, for example, in submitting their child to medical examination.

Newcastle takes for granted that parent/school relations are sufficiently established to ease the shock of the (unfortunately described) 'failing' child:

> It is recognised that in the nature of continuous home-school liaison there will be frequent exchange of views and sharing of concerns between parents and teachers so that a 'sudden' and unexpected revelation to a parent of a failing child will be avoided.

Like so many other education authorities, **Newcastle** seems to accept the problem of failure is always with the child rather than the school.

Liverpool, however, is one authority which does acknowledge that parents actually form opinions, rather than put up irrational resistance or go into shock. In its guidance to headteachers on the formal statutory procedures, the LEA writes:

> During stages one to three it is likely that the parents will have formed an opinion on whether or not to accept formal assessment should the Authority consider that this is necessary.

Several LEAs do show that it is not difficult to highlight guidance on where and how parents are to be involved. For example, **Bedfordshire** has a short question-and-answer section including 'How involved will the child's parents be with the new procedure?' which ensures such information does not remain buried in sheets of closely-typed instructions.

A more detailed and successful formula is found in **Nottinghamshire**'s ring-binder *Schools' Handbook on Children with Special Needs*. This uses different coloured paper for its four sections or units and has a five-page section on *Working in partnership with parents* which answers three key questions on 'Why involve parents?', 'When to involve parents?', and 'How to involve parents?'. **Cleveland** is developing a similar package called SNIPS — a Special Needs Information Pack for Schools — with a section on *Co-operation with parents*.

Coventry makes an important general point about not using jargon — to do so being a highly effective way of damaging the concept of partnership between parent and professional:

> Professional staff proferring advice are required to use language which will be meaningful to parents, teachers and officers (who have the responsibility of drawing up the Statement). Medical and paramedical staff will also be asked to provide advice which is relevant and usable in an educational context and of assistance to class teachers in drawing up a detailed educational programme for the pupil.

Some local authorities make clear to their staff that since Parliament, in its wisdom, has given parents a new set of rights to be involved, it will save professionals time and trouble to get the new procedures right. **Hounslow** points out:

> These procedures highlight the need for a continuing dialogue with the parents, in that if the parents do not feel involved and in agreement with the decision making processes, not only will there be long delays in giving help to the child, but ultimately much more time will have to be spent in argument and appeal. In the end, it is the child's needs that have to be considered, and if these can be met in a way that the parents consider is helpful, it will augur well for the future.

Haringey emphasises:

> All those concerned should note that Haringey is firmly committed to observing the 'spirit' of the Act, not merely the letter of the law.

Essex says something similar — with both LEAs continuing:

> ... it is hoped that every effort will be made by professionals to provide advice which is not only succinct, but also intelligible to those who do not have the expertise of the author.

And **Essex** adds:

> This is especially important since the advice is also

seen by the parents and any obfuscation will be less than helpful.'

Introducing the formal assessment stage, **Haringey** states:

'There is little doubt that in its enthusiasm to enhance parental rights, Parliament has prescribed regulations which might appear to be excessively detailed and cumbersome. In order to safeguard our own position it will be essential to observe the new procedures strictly. It is, however, appreciated that some parents may find it difficult to follow what is happening and to understand how to respond in their child's best interests. In these cases it will be important for schools to exercise judgement as to when personal contact with parents is needed to supplement the formal written communications from the Authority.'

This seems an oblique way of saying to the professionals: 'If you think *you've* got problems...'

The London borough of **Newham** has gone one better by agreeing with the Newham Parents' Centre (a local advice agency and community centre) over how to handle procedures and referring parents to the Centre for both advice and representation at interviews with LEA staff. **Newham** feels the Centre can help in encouraging parents to ask the right questions at pre-assessment stage, advising during assessment procedures, helping parents with interviews, drafting letters and completing forms, advising and representing parents on appeals.

In some ways, this is taking the pressure off the LEA's own professionals to be more parent conscious and parent-wise. For example, there is no proper advice on helping reluctant parents in **Newham**'s guidance documents which state:

'The head teacher must ensure that the parents are aware of the referral for formal assessment and explain to them the stages in that procedure. If the parent is opposed to formal assessment the head teacher should discuss with the educational psychologist how the parents may be helped to recognise the need.'

Bromley makes the same bald point:

'If the parents are opposed to a formal assessment, the Head should discuss with the school's Educational Psychologist what steps are to be taken to help the parents recognise the need for it.'

There is also, again, an unfortunate implication that the school or authority cannot be wrong and the 'problem' lies with the child or parent rather than the school or the LEA. **Bromley** continues:

'It sometimes happens that a Head is satisfied that a child's needs are being met in school, but the parent is not. In the first instance the Head, in consultation with the school's Educational Psychologist, will counsel such parents.'

It is worth comparing this with **Cumbria**'s acknowledgement that schools can 'accentuate children's learning difficulties', and with a radical admission in the **Leeds** guidelines:

'The philosophy behind the approaches is essentially optimistic in the sense that where pupils do not learn, there is assumed to be a flaw in the instructional design, not in the child.'

Cumbria sets out more options than most in a long sentence of 121 words:

'Where, despite all attempts, no response is forthcoming from parents, or where such a response is wholly opposed to the proposal to carry out a Section 5 assessment, and unlikely to be amendable to modification through further informal discussions with teachers and other local professional personnel, the County Education Office will discuss with the EP [educational psychologist] the respective merits of, on the one hand, proceeding to insist upon such an assessment and, on the other, postponing further action for a specified period (if it is thought likely that parental attitudes could change or be changed within that time) or, indeed, if the strength of the case for undertaking a Section 5 assessment is thought to be only moderate, postponing it indefinitely.'

Yet more follows in further lengthy sentences.

Anxiety over segregation

Only two LEAs — **Birmingham** and **Newcastle** — specifically deal with a concern many parents have about assessment and statementing — that they are mere formalities on the way to a special school placement for their child. On formal assessment, **Birmingham** states:

'The emphasis throughout such discussions should be upon the necessity both to assess the child's special needs and to determine the form of provision to meet those needs. Care should be taken to ensure that parents do not form the impression that the purpose of the assessment is solely to recommend a special school — whether this is their wish or not.'

Newcastle approaches it in a different and more constructive way. In a question-and-answer section of its *Practical guidance for headteachers*, the question is posed: 'Should I ask for an assessment if I know that the parents are strongly opposed to a special school?' The answer is 'Yes' and four reasons are set out:

'a) it is important that the parents are aware of the child's growing difficulties, and a formal assessment requires the parents to participate in taking a long cool look at these.
b) the parents may need time and a number of meetings to understand and come to terms with their child's learning problems, so the sooner the process is started, the better.
c) parents sometimes take apparently dogmatic stances on the basis of the limited information initially available to them, but then change their minds when their views have been understood and the options described.
d) special schooling is not, in any case, the only outcome of a Section 5 Assessment, and if it was possible to predict the outcome, it would not be worth pursuing.'

In a later section, **Newcastle** advises:

'You do *not* need to talk about special schooling which would be pre-judging the outcome of the assessment and might be creating worries for the parents prematurely. If, however, the parents raise the question, you can give them the benefit of your knowledge of that area, whilst re-assuring parents that they will participate in any decisions that need to be taken. It might be worth pointing out that L.E.A.s have a duty wherever possible to educate children in ordinary schools.'

Deciding the provision

LEAs can undo much of the effect of stating — and repeating — the parents must be fully involved by sending the opposite and more powerful message to their staff that parents are certainly *not* partners. Part of this 'undoing' can be traced to guidance given in DES Circular 1/83 which most, though not all, authorities readily pass on to their staff. The Circular states in paragraph 35:

> Professional advice should not be influenced by considerations of the eventual school placement to be made for the child, since that is a matter to be determined by the LEA at a later stage. Because of this, any discussions individual advisers may have with parents about the child's needs should not be such as to commit the LEA, or pre-empt their decisions about the provision and placement to be made for the child.

Thirty LEAs (45%) make it perfectly clear in their guidelines that professionals are not to discuss the question of possible placement with parents — or make any kind of recommendation.

Bromley and **Surrey** put it in capital letters:

> N.B. NO PROFESSIONAL ADVISER SHOULD DISCUSS WITH PARENTS THE PROPOSED SCHOOL IN WHICH THE SPECIAL EDUCATIONAL PROVISION MIGHT BE MADE FOR THE CHILD. THIS IS A MATTER FOR DECISION BY THE DIRECTOR OF EDUCATION ACTING IN ACCORDANCE WITH DELEGATED AUTHORITY FROM THE EDUCATION COMMITTEE.

Barking tells its professional in crisp language:

> It should be made clear (to parents) that this is an *assessment* procedure, and that it will not be possible to give any indication of outcome until the draft Statement has been prepared by the L.E.A. Don't pre-empt the L.E.A.'s decision about the provision to be made for the child.

Essex warns:

> ... advice should not be couched in terms which might tend to circumscribe the LEA's function.

Staffordshire puts it differently:

> The location of the SEP (special educational provision) is decided at the *end* of the assessment process. It may not be anticipated, by any of the personnel involved in the assessment, that the child will be placed in any particular school or setting.

Richmond reminds 'colleagues' inaccurately that:

> The professionals involved in the assessment are not allowed, under the 1981 Education Act, to discuss probable provision for the child with the parents (or to mention it in their assessments) until the Education Dept. have sent the Proposed Statement to parents.

It is not the Act that 'forbids' professionals discussing provision possibilities with parents, but merely *advice* given in DES Circular 1/83. However, many LEAs point to the Act to justify what many parents and agencies concerned with children with special needs see as 'gagging' professionals.

Haringey is more coy:

> Each professional adviser should contribute advice which reflects the concerns of his/her own discipline leaving others to concentrate on their particular areas of expertise. Thus headteachers should not recommend specific facilities and resources which would be provided by other professions. Neither should advice be influenced by consideration of eventual school placement; that is a matter to be determined subsequently.

The LEA returns to this theme later:

> ... advice should not be couched in terms which might tend to circumscribe the LEA's function. Moreover all professionals involved in an assessment are asked to be particularly careful to ensure that in any discussions with parents about a child's educational needs they do not either implicitly or explicitly commit the Authority as regards the special educational provision to be made for the child.

Merton is tougher and more cynical:

> It is important for headteachers to ensure that where parents appear to have received specific educational advice regarding placement by other than L.E.A. officers they do not inadvertently give the parents the impression that this will necessarily happen. Inevitably some well wishers seeking to comfort shocked parents will mention an expensive group of boarding schools which on educational grounds may not be found applicable to the child's changing needs at a later date.

The problem for those LEAs determined to control events is that the roles of LEA and of LEA adviser or assessor differ. An LEA makes decisions based on overall policies and available resources; an adviser should assess and recommend on a child's needs irrespective of an overall policy or what may or may not be available. However, as the adviser is an employee of the authority the line between the two roles is often obscured — a point of weakness played on by some LEAs.

Northumberland takes a more open view than most:

> Those involved in the assessment should note that discussions with parents regarding a specific school placement should not occur at this stage. There is no reason why parents should not receive information in general terms and it may be helpful for a visit to be arranged to the type of provision which may eventually be deemed appropriate.

And **Hounslow** says, unusually, in the context of parental involvement:

> Parents are to be more closely involved in decisions about the educational provision, which although dependent on the assessment, is a separate procedure. This is to avoid the danger of fitting children to available provision, rather than looking at each assessment on its merits.

However, the position of most LEAs, as expressed by one director of education, is that they do not want advisers to make 'unfulfilable promises' to parents about provision or make any 'premature commitment'. Nor do they want parents to know if advisers have differing views on the most suitable provision — thereby risking a situation where parents can play one adviser off against another. **Surrey** specifically points out that if assessment reports do give conflicting advice:

> The Area Educational Psychologist must personally clarify these differences and arrange meetings or a

review conference, if necessary, of the professionals involved (not the parent(s) at this stage) to resolve any disagreements.'

But what is seen by the LEA as a 'backstop' is to parents a barrier to proper involvement.

More worrying for parents are the 'unofficial' ways of controlling the recommended placement. LEAs often encourage their advisers to add 'informal' advice to official assessment reports on children. Parents will not see such advice as it is not regarded as an official part of the assessment. **Coventry** tells its psychologists in guidance titled *What cannot be said in a report*:

'From now on, the following information must *not* be stated in a report, but should, if you wish to provide it be summarised in a covering memo attached to the form of the Special Services copy of the report.'

Hampshire warns medical staff:

'May I remind you that the Education Department do not wish to be committed to any particular course of action or specific provision as a result of medical advice. However, an informal report may accompany this report and may suggest specific placements.'

It also tells its area education officers not to name a specific school in a statement, which severely limits a parent's ability to challenge the placement — since there is, in effect, no school to object to:

'(c) Section IV — Appropriate School or Other Arrangements. This section must specify the type of school which would be appropriate, or the provision to be made otherwise than at school. It does not appear to be mandatory to name the school, and it is advisable not to do so where there is any possible doubt as to the child's eventual placement.'

It is common practice through the assessment and statementing procedures for advisers and other officers to edit reports on children, particularly medical reports, thus denying parents the detailed evidence for conclusions reached.

Case conferences

The holding of case conferences when the professionals disagree in their advice also provides the opportunity to bypass parents. There is no consistent policy on parental involvement in case conferences among those LEAs which make use of them to discuss a child's needs. A third of LEAs in the survey (33%) refer to the holding of case conferences. But only seven (11%) stated that parents are able to attend them, and two (3%) said specifically that parents will only be able to see a report — and sometimes only an edited version — of what was discussed and agreed among the professionals present.

Sunderland allows parents to attend them:

'Invitations will be sent to the parents and professionals involved in the case and, if considered appropriate, the child. Parents may be accompanied by a friend if they so wish.'

Manchester states that parents 'should be present at case conferences wherever possible'. **South Tyneside** seems unclear on its position, stating in guidance to headteachers:

'Following any referral to a Specialist Support Agency, and the subsequent receipt of additional information about the pupil in question, it would seem probable that in most instances, a case conference would be convened which would involve the child's parents at some point.'

Other LEAs which state that parents can attend any case conference during compilation of a draft or final statement are **Cleveland, Hampshire, Leeds** and **North Tyneside.**

Newham and **Walsall** let parents have only a report of proceedings. **Walsall** states:

'As the information obtained from a Case Conference constitutes advice on which the Authority will base a statement of a Child's special educational needs, notes of the Case Conference will be disclosed to the parents as an appendix to the statement of the child's special educational need. The participants in any Case Conference will therefore need to be equally measured in their provision of oral advice at a Case Conference as they must be in provision of written advice.'

Solihull, which only refers to case conferences at the Review stage rather than during actual assessment, provides an illuminating definition of a case conference in its guidance to schools over subsequent reviews of statements. The LEA is keen to ensure parents are helped to realise the importance of being involved in a review procedure. It advises headteachers:

'Parents are more likely to attend and make a real contribution if the number of people involved is small. Reviews should *not* resemble 'Case Conferences', in as much as they should not have an over-formal ethos, or include a preponderance of professionals, or exclude the parents from part of the meeting.'

Records and confidentiality

The majority of LEAs refer to the need for proper record keeping in schools and among advisers. However, only a third (36%) offer any detailed advice to staff. For example, **Merton** advises:

'... headteachers should ensure that, where they suspect a child has special educational needs, full records are kept of any problems that arise. Clearly these records will have to be written with discretion, sympathy, care and tact. Any contacts and discussions with parents should be recorded in some suitable way. Copies of letters to parents should be kept.'

Haringey highlights a key 'professional' reason why schools and advisers should keep good records:

'They may also serve as a defence against criticism that might be levelled in some future dispute.'

However, those LEAs emphasising that parents 'should be involved and kept fully informed at every stage' (paragraph 9, DES Circular 1/83) fail to clarify how far parents can see such records for themselves. It can be inferred from the Secretary of State's wish for

'frankness and openness on all sides' (paragraph 6) that parents should see them — though there is no statutory right of access.

Advice obtained in compiling a statement is legally available to parents under the 1981 Act. Not all authorities make even this clear. And some appear to offer their professionals a way round this. **Barnet,** citing the need for confidentiality, seems to run a two-tier reports system — one for everyone to see, another for professional eyes only:

> Professionals should be aware that their Advice will be made available to the parent and, in the event of an appeal, to the appeal committee. The professional Advice should relate to the assessment of the child's special educational needs and how these should be met. There should be no need to include other details whose communication might give rise to problems of confidentiality or professional ethics. In particular, any report prepared by a professional for the use or information of other professionals should be made available only to those with a relevant professional interest in the child. The contents of such reports should not be divulged to parents without the express agreement of the author of that report.

This raises the question of whether such reports can be used in an assessment if a professional refuses to give permission for parents to see a report. **Barking,** in contrast, states clearly in its *Guidelines for Headteachers:*

> The Authority must base its decision as to the provision to be made on the same information that is made available to parents. No other information can be taken into account.

Nor does **Essex** seem to share **Barnet's** qualms stating in its notes of guidance for professionals responsible for submitting advice for assessments:

> It will be important for those who are submitting advice to bear in mind that their advice about a particular child will be seen by that child's parents. The LEA may not, nor would it wish to, take into account any advice which is not freely available to the parents. . . . Any person from whom the LEA seeks advice may consult others before submitting that advice and must consult any other persons specified by the LEA as having relevant information or knowledge about that child. However, responsibility for the advice submitted will rest with the individual who signs the report.

Several LEAs, such as **Wolverhampton,** remind or warn their professionals that:

> Advice should be prepared bearing in mind that a copy will be sent to the parents.

Later, **Wolverhampton** advises:

> These Notes of Guidance concentrate on the kind of information that will be required from professionals for the purpose of carrying out an assessment of the child's special educational needs and how these should be met. There should be no need to include other details whose communication might give rise to problems of confidentiality or professional ethics.

In contrast, **Bury** provides useful advice for teachers on what evidence to submit and how. It emphasises that parents will read the report and so teachers should not be judgemental.

And **Walsall** warns:

> The need . . . for a sound basis of documented fact and circumspection in its expression cannot be over-emphasised.

The majority of LEAs do make clear the status of the final statement. **Birmingham** states:

> The 'statement' is confidential and must be kept so that, as far as is reasonably practicable, unauthorised persons do not have access to it. In the child's interest it may, and is expected to, be seen by teaching and other involved school or visiting professional staff. Other persons may have access to the statement only with permission of the child's parents or a senior officer of the L.E.A.

Dudley raises concern about additional technical information being collected on a child after a statement has been made proposing a special school placement. The LEA points out that 'this information would be confidential to those professionally concerned with the child's education' but does not indicate whether this includes the parents or the child.

The issue of confidentiality is one that LEAs, not unnaturally, find taxing. Advice is given on how much one professional should divulge to another, and just how much should be told to parents. Parents have the right to see the information and advice used to compile a statement (Regulation 8 and 10 (d) of the Education (Special Educational Needs) Regulations 1983), but not to see any other files held by the LEA on a child which would usually contain much more than the material included in the statement.

Solihull highlights the tightrope many professionals must feel they walk and raises doubts about just how open LEAs actually are with parents for fear of letting some 'secret' out of the bag or compromising some professional feeling:

> Much of the information held on a pupil's file is of a sensitive nature and on no account should any part of this information be divulged to a parent except by the author and then only if it does not in any way pre-empt any aspect of the outcome of the provision and placement decisions.

And the same LEA adds:

> It will be appreciated that an inopportune comment made to a parent can seriously jeopardise the eventual outcome of the assessment procedure. Accordingly, considerable sensitivity needs to be exercised both in dealing with parents and other professionals.

It is worth contrasting the above with the guidance that **Manchester** gives its schools on procedures for reviewing statements:

> In all reviews it is essential that the headteacher involves the parents as a contributory party to any decision about their child. They should be invited to examine their child's file. It is recognised that attendance at review panels may be intimidating to some parents and is no substitute for a continuous dialogue between parents and teachers. The headteacher may request the involvement of any other professional, particularly those working with the family.

Minority languages

Only seven LEAs (11%) refer in their guidelines to schools, even in a very rudimentary way, to the need to provide help to parents and children of linguistic minorities over assessment and statementing procedures — **Berkshire, Essex, Barnsley, Birmingham, Newcastle, Sheffield** and **Barking.**

Barnsley quotes the official advice on ensuring that letters are written in the family's home language and that professionals are brought in who have knowledge of a family's language and cultural background. **Sheffield** is more insistent:

> Where the home language is not English the parent(s)/guardian(s) may require help with translation or an interpreter. Reference should always be made on correspondence that a translation may be required or that the assistance of an interpreter may be needed. It should be noted that in some instances the use of a relative to translate or to interpret is *not* appropriate.

Birmingham asks 'referring agencies' to tell the LEA of any help required for parents in reading or understanding a letter or making submissions, but it remains unclear from the guidance to professionals just how such help will be given. **Barking** states:

> The Authority is required to write to the legal guardian. Where parents are believed to be illiterate or where the home language is not English the Authority needs to make facilities available for letters to be explained or translated and any responses from parents to be recorded. □

Design, production and language

In the CSIE survey report on material for parents *(Caught in the Act*, May 1986), this was the first section — such is its importance. The way booklets and other material are designed and produced and the language used are key elements in how successfully they get over what they have to say.

However, it is less important (though certainly not unimportant) that material aimed at professional staff rather than parents or children and young people should be attractively designed and laid out. Staff are no doubt more used to handling closely typed sheets of paper, often poorly printed, hard to read with a good quota of typing errors. They have perhaps become adept at spotting swiftly the vital points in such a publication.

It is disappointing that so much of the guidance material LEAs produce for their staff is like that. The complexities of the 1981 Act and its procedures — remarked on frequently by LEAs in their guidance documents — would be more effectively absorbed if greater thought and effort went into producing higher quality publications and notes for staff.

Perhaps the fear is that what looks attractive, and is easy to refer to must seem less 'official'. Everyday language is rejected in favour of the obscure and dehumanising jargon of bureaucrats, politicians and social scientists. Parents 'acquiesce' or are 'non-compliant'.

The pitfalls of adhering rigidly to 'officialese' were highlighted in a minor way during this survey when a senior official of one authority, when asked for clarification, was unable to explain the meaning of a particularly tortuous paragraph on confidentiality.

Such lack of initiative in the production and presentation of material is also demonstrated in the way many LEAs cannot be bothered to ensure it is written in non-sexist language — thus making those 'We are an equal opportunities employer' tags in job ads and propaganda posters somewhat risible.

The high level of printing errors reveals a worrying lack of basic checking by most LEAs. Some errors risk ruining an LEA's reputation as in **Hounslow's** unfortunate statement:

> ❝ It remains to be seen whether these new requirements can be carried out smoothly and with undue delay ❞

Others give an unintentionally rosy glow to a local authority:

> ❝ It is a widely held view in Merton that the existing Merton Handicapped Children's Liaison Group, as recommended by the Court Committee, is meeting in an entirely adequate way the needs of young handicapped babes and their parents ❞

There are exceptions. **Nottinghamshire, Cleveland** and **Barking** produce attractive, well-designed packages (using ringbinders) sectioning detailed information about the procedures and background to the Act. **Barking** gives one of the clearest briefings in its *Guidelines for Headteachers* on the role of parents in assessment and statementing procedures, largely because it breaks down the various stages more succinctly and sets the detail out more clearly in its ringbinder format with headings such as:

> ❝ Informal intervention agreed with parents.
> Parents interviewed regarding progress of intervention.
> LEA informs parents of proposal to assess formally under the Act ❞

Staff should be in little doubt when, where and how to involve parents. How far that is *full* involvement is harder to say. Some advice given by **Barking** tends to see parents in a passive role:

> ❝ *Parental interview*: To gain information from parent, to give information about child's behaviour and to establish a plan of action ❞

But **Barking** also has a problem. The succinct language often slips into too clipped a style:

> ❝ Specialist advice of a general nature may help to maximise the influence of the school in a preventative way ❞

or

> ❝ Collaborative involvement requires vigilant attention to record keeping and communication between all participants ❞

and sometimes relies too much on jargon, referring to 'maximum potency' and 'crisis referral'.

Cumbria provides a highly accessible and open-minded set of *Guidelines for in-school assessment* sent to its primary and secondary schools. It is written in straightforward, everyday language as it encourages schools to look critically at how they operate in helping children with special educational needs. For example:

> ❝ A pre-requisite to a successful approach must be that the staff in the school have discussed their views of special educational needs and agreed upon a policy for helping children who have such needs ❞

and

> ❝ Schools must have sufficient confidence in their own policy towards children who are in difficulties to acknowledge that the school can sometimes accentuate children's learning difficulties ❞

All the more curious then that **Cumbria's** *General memorandum of guidance for the formal assessment of, and issue of statements for, certain children with special educational needs* turns out to be a linguistic nightmare — a truly bureaucratic triumph using ten words where one will do. Sentences seem never-ending; sub-clauses abound. This is a pity since not only does it deal in more detail than most LEAs about some of the dilemmas and problems of assessment procedures, but often the guidance is good sense.

> ❝ In determining which EWO should become involved in this context with the family of a child

undergoing formal assessment, the Divisional EWO will need to ascertain from the EP whether an EWO report will be required as part of the assessment. Where it is so required, it is important that the officer responsible for producing that report, presumably the one with the greatest prior involvement with the child and/or his family, should *not* be the EWO assigned to provide support during the assessment procedure, since the latter should, so far as possible, be in a position to retain some credibility as a 'neutral' figure in the eyes of the parents and consequently ought not to be an active participant in the multi-professional assessment.' □

Conclusion

Educational psychologists are often seen as the 'gatekeepers' in the 1981 Act's assessment and statementing process since they largely determine what happens, or doesn't happen, to a child. They in turn see themselves bound by the explicitly or discreetly declared policy of the LEA — being informed of the preferred provision and assessing accordingly.

In a few LEAs, **Derbyshire** is one, educational psychologists have been given the power to decide on a placement or on the delivery of resources. Where there is disagreement, a case conference is called which, incidentally, the parents can attend. It is a policy not without problems for the local authority. One senior education official for **Derbyshire** commented to CSIE: 'Once given the levers of change, some professionals have tended to go over the top.' But the last word still remains with the LEA.

The blanket policy decisions made by LEAs and the degree of control exercised by them in recommendations on provision for children with special needs, revealed in this survey of LEA guidance material to professional staff, operate directly against the 1981 Act's consumer-oriented approach. Parents, children and young people seem to require something more than legislation and official advice in order properly to take on their new rights and responsibilities under the Act.

The 'something more' for parents includes greater access to relevant information so that there can be a genuine and increased role in the decisionmaking processes. It also includes a shift of emphasis and a change in attitude by administrators and other professionals for the spirit of the Warnock report and of the Act itself to become a reality.

The 1981 Act's complex procedures and subsequent recommended provision require sufficient resourcing so that those procedures can be carried out in good time and the provision better matched to need. Parents require local authorities to be prepared to challenge professional vested interest over access to information and traditional forms of provision for special needs; and they require professionals who are ready to champion the needs of the child rather than defer, from the start, to the wider considerations of the local authority. □

Further reading

Government

Education Act 1980 HMSO, £2.50.

Education Act 1981 HMSO, £2.30.

The Education (School Information) Regulations 1981 no 630, HMSO, £1.40.

The Education (Special Educational Needs) Regulations 1983 no 29, HMSO, £1.65.

The Education (Approval of Special Schools) Regulations 1983 HMSO, £1.75.

DES Circular 8/81 **Education Act 1981** HMSO.

DES Circular 1/83 **Assessment and Statements of Special Educational Needs** HMSO.
(Circulars available free from DES, Honeypot Lane, Canons Park, Stanmore, Middlesex.)

Special educational needs: the Warnock report, HMSO, 1978, £5.65.

Designing for children with special educational needs: ordinary schools DES Building Bulletin 61, HMSO, £3.95.

Access for disabled people to educational buildings DES Design Note 18, HMSO, free.

Guides

Children with special needs: sources of help ACE Information Sheet, 18 Victoria Park Square, London E2 9PB, 50p.

Special education handbook ACE, 2nd edition 1985, £3.25.

Under fives with special needs ACE, 1984, £2.75.

Education Act 1981: summary ACE, £1.50.

Warnock report summary ACE Information Sheet, 50p.

The 1981 Act: safeguarding your rights ACE Information Sheet, 50p.

Education Act 1981 — the role of the named person by Philippa Russell, Voluntary Council for Handicapped Children, 8 Wakley Street, London EC1V 7QE.

CSIE publications and reports on integration and the 1981 Act publications list available from CSIE, The Spastics Society, 16 Fitzroy Square, London W1P 5HQ, free.

A guide to the Education Act 1981: assessment and placement of physically disabled children in ordinary and special schools notes for voluntary organisations and parents, Royal Association for Disability and Rehabilitation (RADAR), 25 Mortimer Street, London W1N 8AB.

Help starts here: for parents of children with special needs Voluntary Council for Handicapped Children, 2nd edition 1985, 50p.

Highlights from National Children's Bureau:

34 Summary of the Warnock report on special educational needs 1978;
42 The family with a handicapped child 1981;
51 Summary of 1981 Education Act 1982;
54 Home based services for the under fives a review of research, 1982;
58 Services for the pre-school child with special needs a review of research, 1984;
67 Children with special educational needs in ordinary schools 1985;
available from the NCB, 8 Wakley Street, London EC1V 7QE, 20p each.

You can help: PPA groups and 1981 Education Act by Pat Cullis, Pre-school Playgroups Association, 61/63 King's Cross Road, London WC1X 9LL.

A series of guidelines about parents' rights and responsibilities 12 factsheets from the National Elfrida Rathbone Society, 11 Whitworth Street, Manchester 13 3GW, 1984.

Children with special needs: a guide for parents by Christine Orton, Home & School Council, 81 Rustlings Road, Sheffield S11 7AB, 1985, 80p.

The child with a medical problem in an ordinary school by Christine Orton, Home & School Council, 1984, 80p.

The educational implications of disability guide for teachers by Judith Male and Claudia Thompson, RADAR, 1985.

Reports

Educational opportunities for all? report of committee chaired by John Fish reviewing special educational needs in the Inner London Education Authority (ILEA), Order Processing Department, ILEA Centre for Learning Resources, 275 Kennington Lane, London SE11 5QZ, 1985, £8 plus 80p p&p.

The 1981 Education Act in Derbyshire includes comments from parents, ***British Journal of Special Education,*** vol 12 no 3, September 1985.

Report on parental contribution to Section 5 (Education Act 1981): National Pilot Exercise and Feasibility Study 1984-5 by Sheila Wolfendale, The Spastics Society Education Department, 16 Fitzroy Square, London W1P 5HQ, 1985, £1.

Parental perceptions and the 1981 Education Act by S A Sandow and P Stafford, Research Supplement of the *British Journal of Special Education,* vol 13 no 1, March 1986

Caught in the Act: survey of what LEAs tell parents about the 1981 Act, CSIE, 1986, £3.50.

Mainstreaming in Massachusetts by Mark Vaughan and Ann Shearer, CSIE and CMH, 1986, £2 inc.

Useful addresses

The **Centre for Studies on Integration in Education (CSIE)** was set up at The Spastics Society in 1982. It aims to ensure that authorities, individual schools, parents and others establish effective and appropriate integration schemes for children with special needs.

The Centre's work covers the whole range of special educational needs. It helps to link those who are running appropriate schemes with those who wish to do the same. The Centre is compiling a national register of integration schemes; it arranges conferences on different aspects of promoting integration, produces factsheets, leaflets and case studies and runs a free advice service.

For further information about the Centre, its work and publications write to: **CSIE,** The Spastics Society, 16 Fitzroy Square, London W1P 5HQ (01-387 9571). (Write for list of publications.)

The **Children's Legal Centre** is an independent national body set up following International Year of the Child. Its work is concerned with laws and policies which affect children and young people in England and Wales. It provides a free advice and information service by telephone (2pm to 5pm, Mondays to Fridays) and letter. Children's Legal Centre, 20 Compton Terrace, London N1 2UN (01-359 6251).

The **Advisory Centre for Education (ACE),** 18 Victoria Park Square, London E2 9PB (01-980 4596 between 2pm and 5.30pm), offers information and advice on all aspects of the maintained education service. Write for list of ACE publications.

Campaign for the Advancement of State Education (CASE) Information from: Elizabeth Wallis, 25 Leyborne Park, Kew Gardens, Richmond, Surrey.

The **Voluntary Council for Handicapped Children** has a free information service, and a range of free publications, including a list of organisations concerned with specific disabilities, a reading list on special educational needs, a booklet *Help Starts Here* (which gives a brief outline of health, social services and education provision for families with children with disabilities) and other leaflets.

For a full list, send a large stamped addressed envelope to: Voluntary Council for Handicapped Children, 8 Wakley Street, London EC1V 7QE (01-278 9441).

National Elfrida Rathbone Society, 11 Whitworth Street, Manchester 13 3GW (061 736 2024).

Pre-school Playgroups Association, 61/63 King's Cross Road, London WC1X 9LL (01-833 0991).

Royal Association for Disability and Rehabilitation (RADAR), 25 Mortimer Street, London W1N 8AB (01-637 5400).

The **Independent Panel of Special Education Experts** has been set up following implementation of the Act to help parents who want a second opinion: for further information send a stamped addressed envelope to: Independent Panel of Special Education Experts, 20 Compton Terrace, London N1 2UN (01-359 6251).

Law Centres Federation, 18-19 Warren Street, London NW1 (01-387 8570).

The **Law Society,** 113 Chancery Lane, London WC2, publishes a series of 28 booklets covering England and Wales, listing solicitors who do legal aid work and other sources of legal advice — citizens' advice bureaux, legal advice and law centres — and giving basic details about legal aid. These booklets, which are updated annually *(Legal Aid Solicitors' List)* should be available in advice agencies and libraries.

Government departments

Department of Education and Science (DES), Elizabeth House, York Road, London SE1 7PH (01-934 9000).
Welsh Office, Education Department, Crown Buildings, Cathays Park, Cardiff CF1 3NQ (0222-825111).
Department of Health and Social Security (DHSS), Alexander Fleming House, Elephant & Castle, London SE1 6BY (01-407 5522).

Other bodies

Council on Tribunals, 22 Kingsway, London WC2B 6LE (01-936 7044).
Commissioner for Local Administration (Ombudsman): England: 21 Queen Anne's Gate, London SW1 (01-222 5622). Wales: Derwen House, Court Road, Bridgend (0656-61325).
Parliamentary Commissioner for Administration and Health Service, Church House, Great Smith Street, London SW1P 3BW (01-212 6271).
Equal Opportunities Commission (EOC), Overseas House, Quay Street, Manchester M3 3HN (061-833 9244).
Commission for Racial Equality (CRE), Elliot House, 10/12 Allington Street, London SW1E 5EH (01-828 7022).

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Compiled by **Elizabeth Wallis**

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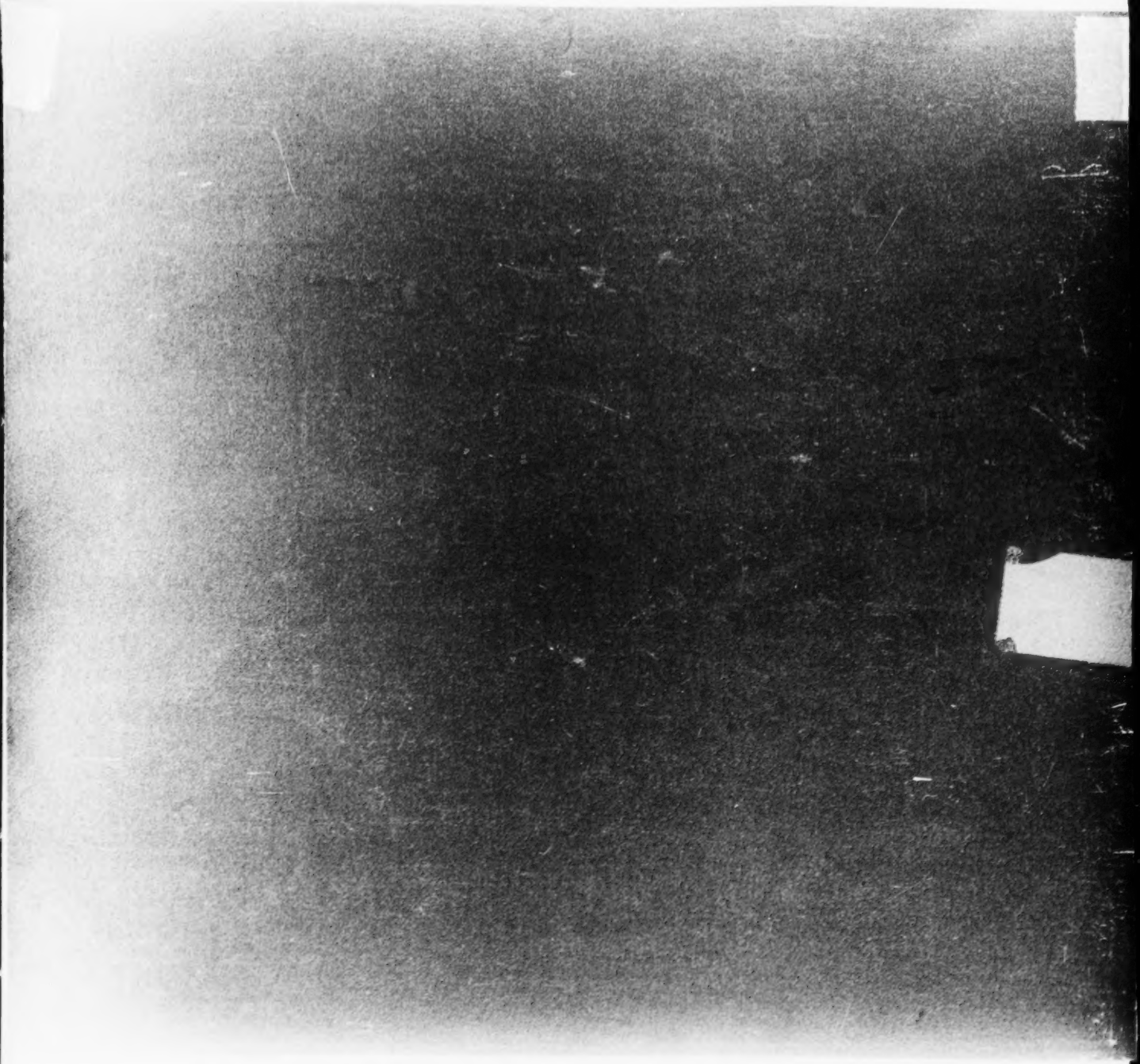
Guiding the Professionals *features the results of a national survey of the guidelines that local education authorities in England and Wales give professionals – psychologists, education welfare officers and so on – on how to operate the assessment and statementing procedures of the 1981 Education Act.*

This booklet documents how those procedures should work, and the advice and instructions LEAs give their staff on what they should and should not do. It complements CSIE's earlier survey ***Caught in the Act,*** *on the material that LEAs publish to help parents through the 1981 Act's procedures.*



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